



Faxed 11-12-04

PATENT

Applicant: John Meyer Bradley et al
Examiner: Nathan Scott Mammen
Serial No.: 10/021,642 Group Art Unit 3671
Filed: 12/18/2001 Atty. Ref. No. 15791-US
For: PIVOTING PLANTING UNITS VERTICALLY

12 November 2004

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office at fax number 703 872-9306 and addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450, on the Date entered below.


A. NICHOLAS TRAUSCH

11/12/04
Date

AMENDMENT AFTER FINAL REJECTION

Mail Stop After Final
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Final Rejection dated 7/14/2004 and due 10/14/2004.

A One (1) Month Extension of Time from 10/14/2004 until 11/14/2004 is filed concurrently herewith.

Amendment to the Claims begins on page 2.

Remarks begin on page 4.

In the Claims:

Claim 1. (Currently amended) A seeding machine comprising:

a longitudinally extending tow bar;

a main frame transverse to the tow bar;

a wing frame is pivotally mounted to the main frame so that ~~it~~ the wing frame can be pivoted folded forward from a transverse working configuration to a longitudinal transport configuration along the tow bar;

~~...a~~ a hopper for holding seed;

a pivot arm having a first end and a second end, the first end of the pivot arm is pivotally mounted to the wing frame, the pivot arm having a working position and a transport position;

a planting unit is mounted to the second end of the pivot arm, the planting unit comprises a seed meter, an auxiliary hopper and a ground engaging furrow opener, wherein when the pivot arm is in ~~its~~ the working position the planting unit is in contact with the ground;

a flexible tube extends between the hopper and the auxiliary hopper of the planting unit for directing seed from the hopper to the planting unit;

when the wing frame is ~~moved~~ folded forward to ~~its~~ the transport configuration, the pivot arm is ~~moved~~ rotated to ~~its~~ the longitudinal transport position wherein the planting ~~units are~~ unit is pivoted to a vertical position longitudinally inward of the working position.

Claim 2. (Currently amended) A seeding machine as defined by claim 1 wherein the pivot arm has an intermediate position between ~~its~~ the working position and ~~its~~ the transport position, whereby the ground engaging ~~tool~~ furrow opener is no longer in contact with the ground.

Claim 3. (Currently amended) A seeding machine as defined by claim 2 wherein the first end of the pivot arm is pivotally coupled to the wing frame by a rock shaft having a bell crank, the rock shaft defining a first pivot axis about which the pivot arm is pivoted, a linear motor extends between the wing frame and the bell crank for rotating the rock shaft relative to the wing frame and thereby pivoting the pivot arm.

Claim 4. (original) A seeding machine as defined by claim 3 wherein the linear motor is a hydraulic cylinder.

Claim 5. (Currently amended) A seeding machine as defined by claim 1 wherein the planting unit is attached to the pivot arm by a parallel linkage that allows the planting unit to follow the ground independent of the pivot ~~link~~ arm when the pivot ~~link~~ arm is in ~~its~~ the working position.

Remarks

Reconsideration and allowance of the above identified application is respectfully requested.

In the Final Rejection dated 7/14/2004 the Examiner rejected all of the pending claims 1-5. The Office Action and the references cited therein have been carefully considered and this amendment is now presented in an effort to advance prosecution of the application.

The Examiner rejected claims 1 - 5 under 35 USC 103 as being unpatentable over Friggstad (6305478) in view of Prairie (6047652) or Kinzenbaw (6494154).

Friggstad discloses a seeding machine but does not disclose planting units or a seed hopper that is connected to the planting units by flexible tubes as set forth in the previously present claims. Friggstad at Column 4, lines 17-20 also teaches that "in the transport position, the wing sections pivotally fold to trail rearwardly of the center section." The teaching in Friggstad is in contrast to the present invention as set forth in Claim 1 as now amended, which now more clearly states that the "wing frame can be folded forward to a longitudinal configuration along the tow bar." Support for this claim language is found in the Specification as filed in Paragraphs 0001 and 0006 and in Figure 3, for example.

Prairie discloses a seeding machine having a main frame segment and left and right wing frame segments, all frame segments provided with planting units. However, no folded (forward or rearward) transport configuration is suggested by Prairie.

Kinzenbaw et al discloses a seeding machine having left and right wing frames with planting units, but does not teach or suggest that the frames or planting units can be folded (either forward or rearward) from a transverse working configuration to a longitudinal transport configuration.

The Examiner contends that it would have been obvious to a person having ordinary skill in the art to modify the rear folding seeding machine of Friggstad to include planting units on the wing frame, as taught by Prairie or Kinzenbaw.

However, other elements in Claim 1, as now claimed, are also not taught or suggested in the cited references, either singly or in combination. Specifically, there is no teaching or suggestion of providing a wing frame with planting units that can be "pivoted to a vertical position longitudinally inward of the working position" as now set

forth in Claim 1. The longitudinally inward vertical position of the planting unit is shown in the Specification as originally filed in Figures 3 and 5 and is disclosed in Paragraphs 0001, 0006 and 0021, for example.

It is therefore believed that all the rejections of the claims should be withdrawn and that this application is in condition for allowance. Such allowance is respectfully requested.

The Examiner is requested to call the Attorney listed below to discuss and resolve any issues which might assist in the prosecution or allowance of this application.

Any fees or charges due as a result of filing of the present communication may be charged against Deposit Account 04-0525.

Respectfully,



Attorney for Applicant(s)

A. Nicholas Trausch
Reg. No. 30,430
Patent Department
Deere & Company
One John Deere Place
Moline, IL 61265
Telephone No. (309) 765-5543

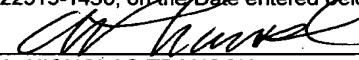


PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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A. NICHOLAS TRAUSCH Date 11/12/04

Request for ONE (1) Month Extension of Time

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Sir:

Please extend the period for response to the Final Rejection dated 7/14/2004 for One (1) Month from 10/14/2004 until 11/14/20/04.

Please charge \$110.00 to Deposit Account 04-0525 for this Extension of Time.

Any additional fees or charges due under 37 CFR 1.16, 1.17 and 1.21 as a result of filing the present paper may be charged against Deposit Account 04-0525.

A duplicate copy of this page is enclosed.

Respectfully,


Attorney for Applicant

A. Nicholas Trausch
Reg. No. 30, 430
Deere & Company
Patent Department
Moline, IL 61265-8098
309-765-5543



AutoReply Facsimile Transmission



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PATENT			
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE			
Applicant:	John Meyer Bradley et al		
Examiner:	Nathan Scott Mammen		
Serial No.:	10/021,842	Group Art Unit	3671
Filed:	12/18/2001	Atty. Ref. No.	15791-US
For:	PIVOTING PLANTING UNITS VERTICALLY		
12 November 2004			
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 A. NICHOLAS TRAUSEN Date 11/12/04			
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PAGE 10 * RCVD AT 10/12/2004 6:05:10 PM [Eastern Standard Time] * SVR:USPTO-EFTX-10 * DNS:372036 * CSD:309 765 5892 * DURATION [mm-ss]:01-52			

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